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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,321	09/16/2003	James J. Fitzgibbon	78927	1330
22242	7590	07/07/2006	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				NGUYEN, PHUNG
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicant No.</b>	<b>Applicant(s)</b>
	10/663,321	FITZGIBBON, JAMES J.
	Examiner Phung T. Nguyen	Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-3 and 8-14 is/are allowed.
- 6) Claim(s) 4-7 and 15-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/27/06.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-7, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (U.S. Pat. 6,559,775) in view of Facory (U.S. Pat. 6,147,597).

**Regarding claim 4:** King discloses passive garage door opener using collision avoidance system comprising receiving an indication from a remote indicator source that a motor vehicle is in proximity to the remote control access system; communicating the indication to a transmitter unit; and upon detection of the proximity of the motor vehicle and the receipt of the indication of the indication, transmitting a control signal from the transmitter unit to the remote control access system (abstract, fig. 1, col. 2, lines 10-35). King does not specifically teach receiving an indication of at least one component of a motor vehicle. However, Facory discloses vehicle-integrated access control device which comprises receiving an indication of an actuation of at least one component of the motor vehicle (col. 5, lines 41-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the technique of Facory in the system of King as an alternative way of operating the door or gate from a motor vehicle.

**Regarding claim 5:** King discloses wherein communicating the indication of the occurrence of the event to the transmitter unit includes transmitting the indication using a wire as shown in figure 1.

**Regarding claim 6:** King discloses wherein communicating the indication includes transmitting an electromagnetic signal over the air (col. 3, lines 38-40).

**Regarding claim 7:** Facyory discloses wherein detecting the indication includes detecting the occurrence of at least one of electromagnetic energy from the actuation of an automotive light, the actuation of a brake, the motion of a window, the activation of a lock, the movement of a mirror, the movement of a radio control, the movement of a roof opening; the movement of a windshield wiper blade; the actuation of a heater; or the setting of a cruise control (col. 5, lines 41-54).

**Regarding claim 15:** All the claim subject matter is already discussed in respect to claim 4 above.

**Regarding claim 16:** Refer to claim 5 above.

**Regarding claim 17:** Refer to claim 6 above.

**Regarding claim 18:** Refer to claim 7 above.

***Allowable Subject Matter***

3. Claims 1-3, and 8-14 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 8, patentability resides in "detecting an actuation of the at least one component of the motor vehicle without interconnection with the wired control system of the motor vehicle", in combination with the other limitations of the claim.

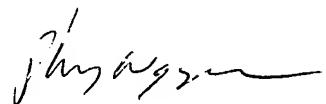
***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

**PHUNG T. NGUYEN  
PRIMARY EXAMINER**



Date: June 28, 2006